

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 STRIKE 3 HOLDINGS, LLC,

9 Plaintiff,

10 v.

11 JOHN DOE (71.231.142.237);
12 JOHN DOE (73.225.38.130);
13 JOHN DOE (76.22.118.13);
14 JOHN DOE (50.54.142.188);

15 Defendants.

16 C17-1730 TSZ
17 C17-1731 TSZ
18 C17-1732 TSZ
19 C17-1733 TSZ

20 MINUTE ORDER

21 The following Minute Order is made by direction of the Court, the Honorable
22 Thomas S. Zilly, United States District Judge:

23 (1) The Orders, docket no. 7 in C17-1730, docket no. 5 in C17-1731, docket
24 no. 7 in C17-1732, and docket no. 5 in C17-1733, granting plaintiff leave to serve a
25 subpoena on the Internet service provider (“ISP”) for each defendant John Doe, are
26 hereby AMENDED as follows.

27 (a) To the extent that an ISP has not already provided to plaintiff or its
28 attorney material responsive to a subpoena issued pursuant to the Orders identified
29 above, the ISP shall not disclose any such responsive material to plaintiff or its
30 counsel, but instead shall send the responsive material, in an envelope prominently
31 marked “CONFIDENTIAL SUBSCRIBER INFORMATION -- TO BE FILED
32 UNDER SEAL,” addressed to the Clerk of the Court, United States District Court
33 for the Western District of Washington, 700 Stewart Street, Seattle, WA 98101.

34 (b) If an ISP has provided responsive material to the Court rather than
35 plaintiff or its attorney, plaintiff may serve summons and complaint using the

1 following procedure. Plaintiff's counsel may submit a blank summons to the
2 Clerk, who will interlineate the affected subscriber's identity and service address
3 on the summons and place the completed summons in a sealed envelope for return
4 to plaintiff's counsel. Plaintiff's counsel shall not open or otherwise attempt to
5 view the contents of such envelope before delivering it, along with a copy of this
6 Order, to the process server of plaintiff's choosing. The process server shall keep
7 the affected subscriber's identity and service address confidential and shall not
8 disclose such information to plaintiff or its attorneys. The process server shall
9 send any affidavit or declaration of either service or non-service in an envelope
10 prominently marked "CONFIDENTIAL SUBSCRIBER INFORMATION -- TO
11 BE FILED UNDER SEAL," addressed to the Clerk of the Court, United States
12 District Court for the Western District of Washington, 700 Stewart Street, Seattle,
13 WA 98101.

14 (c) Plaintiff shall not amend its pleadings to substitute a subscriber as a defendant or publicly disclose any defendant's real identity unless specifically authorized to do so by the Court. Plaintiff and its attorneys shall not communicate directly with any defendant John Doe for any purpose until further order of the Court.

15 (d) If an ISP to which a subpoena was issued pursuant to the Orders identified above has not yet provided responsive materials, plaintiff shall serve a copy of this Minute Order on each such ISP and shall file proof of such service within three (3) days of the date of this Minute Order.

16 (2) The deadlines for a Rule 26(f) conference, exchange of initial disclosures, and submission of a Joint Status Report that were set in C17-1731 and C17-1733 are STRICKEN, and will be reset, if appropriate, at a later date.

17 (3) The Clerk is DIRECTED to send a copy of this Minute Order to all counsel of record. Plaintiff's counsel is DIRECTED to provide a copy of this Minute Order (i) along with any blank summons submitted to the Clerk, and (ii) along with any summons provided under seal to the selected process server.

18 Dated this 25th day of January, 2018.

19 William M. McCool
20 Clerk

21 s/Karen Dews
22 Deputy Clerk